

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA
CHARLESTON DIVISION

CIVIL ACTION NO. 2:18-CV-00236-DCN

Tina Huey,

Plaintiff,

vs.

Daniel Dowd and Dana Foster,

Defendants.

**AMENDED MOTION TO LIFT ENTRY
OF DEFAULT**

PLEASE TAKE NOTICE that the above-named Defendants, Daniel Dowd and Dana Foster, by and through their undersigned attorney, shall, and hereby does, move this Honorable Court for an Order setting aside the Entry of Default entered in the above-captioned case.

Federal Rule of Civil Procedure 55(c) provides that "[f]or good cause shown the court may set aside an entry of default and, if a judgment by default has been entered,). Generally speaking, "a default should be set aside where the moving party acts with reasonable promptness and alleges a meritorious defense." Consol. Masonry & Fireproofing, Inc. v. Wagman Constr. Corp., 383 F.2d 249, 251 (4th Cir. 1967). This "good cause" standard is liberally construed "in order to provide relief from the onerous consequences of defaults" Lolatchy v. Arthur Murray, Inc., 816 F.2d 951, 954 (4th Cir. 1987); see also Tolson v. Hodge, 411 F.2d 123, 130 (4th Cir. 1969) ("Any doubts about whether relief should be granted should be resolved in favor of setting aside the default so that the case may be heard on the merits.").

This Motion is made pursuant to Rules 55(d) and 60(b), FRCP, and for good

cause shown, as more fully set forth in a supporting Memorandum and Affidavit of Daniel Dowd and which shall be filed and served subsequent hereto. Defendants may further supplement this motion with an affidavit of Dana Foster at a later date.

Pursuant to Rule 11, SCRCP, Movant's counsel, prior to filing this Motion, has communicated, orally or in writing, with opposing counsel and has attempted in good faith to resolve the matter contained in this Motion.

PLEASE BE PRESENT TO ARGUE, IF SO MINDED.

CLAWSON and STAUBES, LLC

/s/ Margaret M. Urbanic

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May 16, 2018